



APPENDIX 4

Office Action allowing Claims 5-8, 13-16, 20 and 22-24 and rejecting remaining claims in U.S. Serial No.08/892,738 filed July 15, 1997.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/892,738	07/15/97	INGISTOV	11465-1

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EXAMINER

KWON, J

ART UNIT	PAPER NUMBER
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3747

15

DATE MAILED: 02/16/99

Response due April 21, 1999

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/892,738

Applicant(s)
Steve Ingistov

Examiner
John T. Kwon

Group Art Unit
3747



☒ Responsive to communication(s) filed on the telephone inquiry on Feb. 8, 1999

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-26 is/are pending in the application.

Of the above, claim(s) 25 is/are withdrawn from consideration.

☒ Claim(s) 5-8, 13-16, 20, and 22-24 is/are allowed.

☒ Claim(s) 1-4, 9-12, 17-19, 21, and 26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Housekeeping

Applicant(s) is(are) suggested to list a current telephone number, a facsimile number and a list of the attachments, if any, under the signature of the attorney/applicant for each response to the Office action(s) in order to expedite and make accurate the prosecution of the application.

1. This office action is replacement of the previous office action mailed January 21, 1999.
2. Applicant's amendment dated January 11, 1999 have been entered.
3. The submission of the Information Disclosure Statement dated December 29, 1997 has been received and fully considered. No further Information Disclosure Statement is in the records.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 9-12, 17-19, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouchard (US 5,630,590). Bouchard discloses a gas turbine engine with a brush seal (60) for restricting air passage into the chamber from a compressor. The difference

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between the prior art reference and the instant invention is the specific dimension for the seal clearance. In regard to the claimed particular dimension for the brush seal clearance, one skilled in the art is familiar with fluid mechanic and is aware of the necessity to design the seal for a maximum efficiency as well as the durability as major factors. Therefore, to optimize or select the suitable dimension for the clearance is within the ability of one of ordinary skill in the art. If such dimensional relationship is critical, the applicant has the burden of providing such criticality. In re Swenson et al, 30 CCPA 809, 132 F.2d 1020, 56 USPQ 372; In re Scherl, 33 CCPA 1193, 156 F.2d 72, 70 USPQ 204.

Allowable Subject Matter

6. Claims 5-8, 13-16, 20 and 22-24 are allowed.

Response to Arguments

7. Applicant's arguments filed January 11, 1999 have been fully considered but they are not persuasive.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

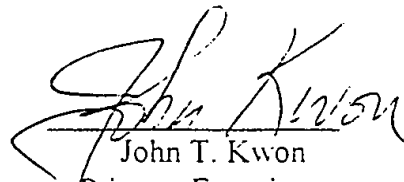
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A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication should be directed to Examiner Kwon at telephone number (703) 308-1046 and facsimile numbers (703) 305-3588. The examiner can normally be reached on Monday thru Friday from 8:30 AM to 5:00 PM.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.


John T. Kwon
Primary Examiner
Art Unit 3747

February 8, 1999

Enclosure(s);

See the attachment(s) section of the Office Action Summary.